

Serial No.: 10/743,443

Amendment A dated May 19, 2008

Response to non-final Office action dated February 20, 2008

### **Remarks**

Claims 1, 3, 5-16, 18, and 20-34 are pending and at issue in the present application.

The undersigned thanks Examiners Raj and Morgan for the courtesies extended during a telephonic interview on May 13, 2008, between the examiners and the undersigned. During the interview, the parties discussed the patentability of the application claims in view of the applied references. Agreement was reached that the claims as amended herein patentably distinguish the invention at least over the primary reference, Van Der Brug U.S. Patent No. 5,954,648 ("Van Der Brug"). The following remarks summarize and amplify the substance of the interview.

The present amendment cancels claims 2, 4, 17, and 19, adds new claims 31-34, and amends claims 1, 3, 7, 10, 12, 15, 16, 18, 23-25, 27, 28, and 30.

Independent method claim 1 has been amended as suggested by the examiners during the interview to further define the context as a particular step in a multi-step procedure, which was recited in dependent claim 2, and to recite an additional step of displaying a representation related to the consequent step, which was recited in dependent claim 4. Consequently, claims 2 and 4 have been canceled. Similarly, independent system claim 16 has been amended as suggested by the examiners to incorporate the substance of dependent claims 17 and 19, which have also been canceled.

In addition, dependent method claims 3, 7, 10, 12, and 15 have also been amended, wherein such claims were amended non-substantively for form, and claim 3 was further amended to clarify that the particular location is of the component.

Referring to the system claims, dependent claims 16, 18, 23-25, 27, 28, and 30 were also amended, wherein claims 16, 18, 23, 24, 27, 28, and 30 were amended as agreed to with the examiners during the interview to recite broader means for language instead of first, second, third, etc. circuits; claims 18, 25, 27, and 30 were further amended non-substantively for form; and claim 18 was still further amended to clarify that the particular location is of the component.

No new matter has been added by any of the amendments or new claims, support for which can be found, for example, on page 3, lines 1-25, which discloses that components needed for each

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step of the multi-step procedure are known and that the steps relate to different representations on a display screen; on page 4, line 22 to page 5, line 14, which discloses determining whether a component is appropriate for a current step, a prior step, or a future step; and page 3, lines 18-25 and page 6, lines 7-20, which disclose moving to the consequent step without direct interaction from a user.

In the present Office action, claims 2 and 17 were objected to under 37 C.F.R. § 1.75(c), as being of improper dependent form for failing to further limit the subject matter of the previous claim. While applicants traverse such objection because claims 2 and 17 further define the term "context" recited in independent claims 1 and 16, respectively, as stated above, claims 1 and 16 have been amended to incorporate the substance of canceled claims 2 and 17, respectively. Therefore, these objections should be withdrawn.

The present Office action also states that claims 1, 2-16, and 18-20, which the undersigned believes should read claims "1, [3]-16, and 18-20," are rejected under 35 U.S.C. § 103(a) as obvious over Van Der Brug in view of Malackowski et al. U.S. Publication No. 2003/0093103 ("Malackowski"). Applicants traverse these rejections for the reasons detailed below.

Van Der Brug discloses an image guided surgery system that tracks the position of a surgical instrument in an operating area. Malackowski discloses a surgical tool system that receives data from a surgical tool that includes a handpiece and various accessories attached to the handpiece and calibrates the surgical tool system based on the data.

The applied references do not disclose or suggest a step of identifying or means for identifying a particular step within the multi-step procedure, as recited by claims 1 and 16, respectively, because the applied references do not even relate to a multi-step procedure as described in the present application. Further, the applied references do not disclose or suggest a step of identifying or means for identifying a component useable in the procedure, as recited by claims 1 and 16, respectively. More specifically, Van Der Brug tracks the location of a component without identifying the component. Further, while Malackowski can identify a handpiece and/or attached accessory, such identification is not related to whether the component is "usable in the procedure."

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Still further, the applied references do not disclose or suggest a step of determining or means for determining the consequent step within the procedure based on the identity of the component and the particular step, as recited by claims 1 and 16, respectively. More specifically, as discussed above, the applied references do not disclose or suggest identifying a particular step or identifying a component useable in the procedure and, therefore, there can be no determination of a consequent step based on such identifications.

In addition, the applied references do not disclose or suggest a step of displaying a representation related to the consequent step on a display unit or a display unit that displays a representation related to the consequent step, as recited by claims 1 and 16, respectively. As discussed above, the applied references do not even disclose or suggest determining a consequent step. Therefore, while Van Der Brug and Malackowski do disclose displays, such displays are not used to display a representation related to the consequent step, as recited by the above noted claims.

For at least the above reasons, applicants respectfully request reconsideration and withdrawal of the pending objections and rejections and allowance of all of the claims at issue. An early indication of allowance is requested.

If there are any issues remaining that can be resolved by telephone, the examiner is invited to call the undersigned.

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Deposit Account Authorization

The Commissioner is hereby authorized to charge any deficiency in any amount enclosed or any additional fees which may be required during the pendency of this application under 37 CFR 1.16 or 1.17, except issue fees, to Deposit Account No. 50-1903.

Respectfully submitted,

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By: 

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